IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

INCOME TAX APPEAL NO.1447 OF 2009
AND
INCOME TAX APPEAL NO.1448 OF 2009
AND
INCOME TAX APPEAL NO.1449 OF 2009

The Commissioner of Income Tax – 8, Mumbai ..Appellant.

Versus

M/s.Saurashtra Ball Pen Private Limited ..Respondent.

Mr.Suresh Kumar for the appellant.
Ms.Aarti Sathe for the respondent.

CORAM : V.C. DAGA & J.P. DEVADHAR, JJ.

DATE : 24th AUGUST 2009

P.C. :

1. Heard learned counsel for the revenue and Ms.Sathe for the respondent.

2. The question sought to be raised in these appeals revolves around appreciation of evidence and the finding of fact recorded based thereon. The tribunal has observed as under :

> "5. We considered the matter in detail. The CIT (A) has made a clear finding in the present case that no nexus has

> been established between the borrowed funds vis-a-vis their advancing to the sister concerns. In fact, it is the grievance of the Revenue that the CIT (A) has shifted the burden of proof from assessee to Revenue. But it is not so. The CIT (A) has made a definite finding that the assessee had interest free funds as it disposal which was sufficient to advance interest free loans to sister concerns. Moreover, the assessee has clearly made out a case that the advances were made on the ground of cdommercial expediency. Therefore, in the facts of the case, we find that the CIT (A) has come to a correct finding and there is no reason to unsettle the finding arrived at by him."

3. In the above view of the matter, no substantial question of law can be said to arise in this appeal. The appeals, are therefore dismissed with no order as to costs.

(J.P. Devadhar, J.) (V.C. Daga, J.)